

FACILITIES REVIEW COMMITTEE TECHNICAL REVIEW AND RECOMMENDATIONS

FRUIT FARMS (RYALL) 5-LOT SUBDIVISION LD2005-0055 / TP2005-0022 / FS2005-0029 / FS2005-0031

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the Director. As they will appear in the Final Decision, the Facilities Review Conditions may be re-numbered and placed in different order.

The Director will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the four (4) submitted applications as identified below:

- All eleven (11) criteria are applicable to the submitted Land Division application, LD2005-0055.
- Criteria #1 through #4, #9, and #11 are applicable to the Tree Plan Two application, TP2005-0022.
- Criteria #3 and #11 only are applicable to the Flexible Setback applications, FS2005-0029 and FS2005-0031.

1. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.*

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The applicant's narrative states that the critical facilities and services related to the development have or can be improved to have adequate capacity to serve the proposal at the time of its completion.

Public water will be served by a City of Beaverton the 410HGL waterline located within the SW 155th Avenue right-of-way. The line will be extended from north of the proposed development to the southern edge of the site. A six-inch line will supply the five lots. An existing high pressure line also located on 155th Avenue will not be used to serve the development.

The City administers the sanitary sewer services at the site. An eight-inch sanitary sewer line is proposed to extend to the east to SW Emerald Street through an existing 20 foot wide easement on the abutting eastern parcel, lot 8 of Beacon Hill Estates.

An existing 12-inch storm sewer line is located along the northern property line and connects to an 18-inch storm line in SW Emerald Street. The line is located in a 15-foot wide easement on lot 8 of Beacon Hill Estates. The applicant proposes a sub-regional stormwater quality vault at the storm connection within the Emerald Street right-of-way, refer to finding below. Applicable on-site easements for the storm line will be established with the final plat. A letter received by David Bolhuis expresses concern of existing drainage issues at the existing field inlet. The applicant's proposal and through site development review will analyze the storm drainage facility.

The proposed project is located in a watershed adjacent to a storm drain pipe that collects surface water runoff from residential type of development. A large percentage of this watershed was developed prior to establishment of rules requiring treatment of surface water runoff prior to discharge to a creek. For this development, it is not appropriate to treat the surface water runoff from this 5 single-family home subdivision at a high level and then combine it with a vastly larger amount of untreated flows prior to discharge to the creek. In discussions between the Applicant and the City Engineering Department, it was agreed that it was mutually beneficial to install a surface water runoff treatment vault engineered to remove settleable solids, floatable debris, and free oil and grease at a location along the downstream storm drain pipe located on SW Emerald St that will serve a larger tributary area.

A traffic analysis was not required of this development. The trip generation of the proposed 5-lot single family subdivision is not great enough to meet the threshold of Development Code Section 60.55.20, *Traffic Analysis*, which requires a traffic impact analysis for projects that generate more than 200 vehicles in a 24 hour period. The surrounding street system will adequately accommodate the traffic from this development. The applicant is conditioned to improve this sites frontage to 2-lane Collector Street Standards. SW 155th Avenue, classified as a "collector" street, is currently a two lane facility with no curb or sidewalk for this site's frontage.

This proposed subdivision, with the construction of a public street cul-de-sac into the site, will have one street connection onto 155th Avenue. On the east side of 155th Avenue the applicant will dedicate additional street right of way for a total of 31 feet from centerline and construct the east half of 155th Avenue to "collector" street standards for the frontage of the site.

The property to the south has an existing 25 foot street right of way, 6 feet short of the needed right of way on SW 155th Avenue to meet Collector Street Standards. The applicant has not proposed a street roadway radius from 155th Avenue to the street serving the development. In order to have a safe circulation pattern into the development from 155th Avenue, the applicant is being required to provide an easement or right of way over the corner of the adjoining property at the southeast corner of the new street intersection to provide a safe northbound right turn into the site. Without the easement or right of way there can not be a safe turn into the new street without having to swing into the west bound lane of the new street. The new street is only 20 feet wide. The minimum radius at an intersection of a collector and a local street is 25 ft. Without the easement or right of way there is no radius, causing virtually all vehicles will be cutting across the adjoining property when turning into the new street. Therefore, the application is conditioned to construct a minimum 25 foot radius at the southeast corner of the new internal street at its intersection with SW 155th Avenue and provide an appropriate easement or right of way to accommodate it.

Tualatin Valley Fire and Rescue serves the site and have provided comments in response to the proposed project. The comments are attached. Prior to the issuance of the site development permit, TVF&R will sign-off on the permit ensuring satisfaction that the District's conditions of approval have been or will be achieved. A fire hydrant is proposed at the southwest corner of Lot 1. "No Parking" signs will be posted on both sides of the development's street.

Through a required Site Development Permit, conditions of approval have been recommended for approval to ensure all proposed critical facilities for the development will be appropriately designed meeting the City standards and requirements

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

- 2. Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.***

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were forwarded to the Beaverton School District, the City Transportation staff, City Police Department, and Tualatin Valley Fire and Rescue.

The site will be served by the Tualatin Hills Park and Recreation Department (THPRD). THPRD has been provided an opportunity to comment on the application, however, the Committee has not received formal comments from the District in relation to the proposal. No bicycle or pedestrian connections are identified on the City's Comprehensive Plan through the site.

The City of Beaverton Police will serve the development site. The Police Department has received a copy of the submittal but had no comments or recommendations to the Facilities Review Committee.

The Beaverton School District has provided comments addressing the anticipated impacts of the subject project on the District that are attached to the end of this report. To summarize their comments, the District has indicated that the proposal will result in a "negative impact" to the elementary, middle, and high school levels. While the development may result in a negative impact to the school system, Senate Bill 908 does not allow a jurisdiction to deny a development application solely on the basis of insufficient school capacity. The District also states from a safety and transportation standpoint they recommend sidewalks to be constructed within the subdivision and linkages that will provide safe student pedestrian access to walking routes to Sexton Mountain Elementary School and to school bus stops.

The site is not served directly by Tri-Met bus service. The nearest bus line serving the area is bus #62 is located on Murray Boulevard serving the general area. Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the development.

Essential street facilities to serve the site are conditions of approval. Per Development Code Section 60.55.30, the applicant is conditioned to dedicate additional street right of way for a total of 31 feet from centerline and construct the east half to Collector Street Standards for the east frontage of the site on SW 155th Avenue.

The Committee have reviewed the proposal for adequate essential facilities and have found that the essential street facilities to serve the site are conditions of approval.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

- 3. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.***

Staff cite the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the R5 (Urban Standard Density) zone, as applicable to Criterion 3.

Two Flexible Setback applications, FS2005-0029 and FS2005-0031, are proposed to reduce the required front and rear yard setbacks of each of the five lots and will be reviewed concurrently with the subject proposal. Specific findings for the Flexible Setback applications will occur within the Flexible Setback staff reports.

Written comments received include concerns regarding the proposed Flexible Setback requests, addressed in the Flexibles Setback Attachments D and E, allowed building height, minimum lot sizes, and minimum density. The Code Conformance Analysis addresses the maximum building height, minimum lot sizes, and minimum density requirements for this property located on this R5 zoned parcel.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 4. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The applicant states that all improvements and dedications required by the applicable provisions of Chapter 60 will be provided in rough proportion to the identified impacts of the proposal as required by the City. Staff cite the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. As explained and conditioned in the Code Conformance Analysis for *Grading*, the applicant has addressed how grading on the subject site and building construction will meet this criterion for approval along the site's northern property line.

Street right of way dedication and street improvements on SW 155th Avenue are conditions of this land division approval and are shown on the development site plan Development Code Section 60.55.30.

The Committee finds that with the Engineering Design Manual Modification request approval by the City Engineer applicable requirements of Development Code Section 60.55 will be achieved with specific transportation conditions of approval.

The applicant has submitted a Tree Plan Two application for the removal of Community Trees located across the site, which will not require tree mitigation. Section 60.60 *Trees and Vegetation* outlines removal, preservation methods, and mitigation requirements for trees proposed to be removed. Trees are proposed to be planted in the wetland mitigation tract.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

5. ***Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.***

The Committee find that the site and design of the subdivision does not include any elements where the owners could not accomplish necessary private maintenance. Garbage collection will be accomplished by individual facilities located by each dwelling. The proposal includes a tract which will be dedicated as an area for wetland mitigation. The applicant states that a Homeowner's Association (HOA) will maintain the tract. By the establishment of an HOA the applicant implies that the owners of the development will be able to fully maintain the tract. The Committee requires that the applicant submitted CC&R's to ensure that the HOA will be established and maintenance requirements of the tract will be fully disclosed. The submittal of this information with the final plat approval, will satisfy this criterion. In addition the Committee find that the design of the site does not prevent maintenance of public facilities by the City.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

6. ***There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.***

The applicant states that the vehicular and pedestrian circulation patterns within the site are designed for safety and efficiency. The applicant has submitted and subsequently received City Engineer approval to modify the proposed City 'L3' Local Street standards and to the City infill cul-de-sac standards. The request included allowing for sidewalks within the infill cul-de-sac and the removal of the planter

strip. The paved width of the proposed internal public street will be 20 feet, with a 5½-foot sidewalk. As a recommended condition of approval “No Parking” signs are recommended to be located along the public street as approved by the City Traffic Engineer. The site shall have adequate internal vehicular circulation, in conformance with Development Code Sec 60.55.25, and adequate internal pedestrian circulation, in conformance with Development Code Sec 60.55.25.

With conditions of approval, the site shall have safe and efficient internal vehicular and pedestrian circulation, in conformance with Development Code Section 60.55.25.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

7. *The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.*

Vehicles and pedestrians will access the subject site via SW 155th Avenue. As noted in Criterion #1, the applicant’s proposal does not include an adequate radius at the southeastern corner of the intersection of 155th and the site’s proposed public street. To ensure this radius is achieved, the Committee recommends a condition of approval which will thereby meet this criterion for approval of providing safe, efficient, and direct manner of on-site vehicular circulation connection to the surrounding circulation system. Vehicular and pedestrian circulation from the site to northbound 155th Avenue will be met as proposed. Site distance verification from the site’s access at 155th Avenue will be required to be met in order to issue the site development permit.

The Committee find the development will, as conditioned, connect to the surrounding vehicular circulation system, in conformance with Development Code Section 60.55.25, and to the pedestrian circulation system, in conformance with Development Code Section 60.55.25.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

8. *Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

Public facilities serving the site will be designed in accordance with adopted City codes and standards that provide adequate fire protection through adequate fire flow, emergency vehicle access and lot design. The proposal will need to show compliance with the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards. Conditions identified at the end of the report are to ensure that the lots are developed to meet City Standards

The applicant proposes a fire hydrant at the southwest corner of Lot 1 and the TVF&R and the City Engineer recommends the placement of "No Parking" signs along the new public street frontage as the 20 foot paved width street will only accommodate two lanes of travel and no parking. Fire flow will be reviewed during the site development permitting stage. The extension and connection to the City 410HGL water line should meet all fire flow requirements.

The Committee find that through the review in the staff report, and the site development and building permit stages, the site will meet the criterion for approval.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

9. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

Grading and contouring of the site has been designed to insure that stormwater runoff from the subject development, including lots, dwellings, and streets, is safely directed to the street and an existing stormwater field inlet on the northern property line, minimizing any flows onto adjacent properties. The Committee find that through conditions of approval the proposed stormwater management and grading will meet the criterion for approval. Through Criterion #4, the Committee has reviewed Development Code Section 60.15.15.5 *Grading*. As explained in the Code Conformance Analysis for *Grading*, the applicant has addressed how grading within the proposed site and building construction will meet this criterion for approval along the site's northern property line.

A letter was received from John and Linda Mitchell on January 30, 2006, stating a concern with an existing large oak tree located on their property of 15450 SW Emerald Street. The tree is identified on the applicant's Dimensioned Tree Plan sheet 02. The Mitchell's expressed concern that site changes at the proposed subdivision would have an adverse affect on the tree. The applicant states in their narrative of Section 60.15.15.5.B that the applicant will not propose grading within

the drip line of this oak tree located approximately 10 feet north of the subject site. The Committee recommends a condition of approval that tree protection fencing be installed in accordance with the City's Development Code for tree protection Section 60.60.20. The fence therefore would be installed prior to physical development starts and remain in place until physical development is complete.

The applicant also proposes work within an identified wetland buffer area at the southeastern corner of the site. A Clean Water Services Service (CWS) Provider Letter has been submitted. The submitted plans to CWS identifying that the applicant proposes to extend the public street into the wetland buffer, consistent with the submittal to the City. The wetland is located on the abutting property to the south. To accommodate the on-site improvements within the buffer, the applicant proposes a wetland mitigation tract at the eastern end of the site. CWS has recommended conditions of approval for the proposal of the wetland restoration. Appropriate CWS easements will be required for the tract at the time of recording of the plat.

Proposed removal of Community is in part due to the grading over the site in order to place the street, utilities, and building pad locations.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

10. That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee find that through the site development and building permitting reviews, accessibility is thoroughly evaluated. Therefore, the Committee find that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the Land Division, Tree Plan, and a Flexible Setback application on October 28, 2004 and was deemed complete on November 29, 2005. The second Flexible Setback application was submitted on December 23, 2005. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

RECOMMENDATIONS

LD2005-0055 Land Division – Preliminary Subdivision Application

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the specific conditions of approval contained in Attachment F.

TP2005-0022 – Tree Plan Two Application

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal.

FS2005-0029 – Flexible Setback Application (Rear)

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal.

FS2005-0031 – Flexible Setback Application (Front)

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
R5 Urban Standard Density Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.15			
Use	Detached dwelling.	5 single-family (detached dwelling) lot and one tract subdivision.	Yes
Development Code Section 20.05.50			
Minimum Lot Area	5,000 square feet	All lots will have a minimum 5,000 square feet.	Yes
Minimum Lot Dimensions Width Depth	0 feet 0 feet	All lots meet the minimum width and length requirements of the zone.	Yes
Minimum Yard Setbacks Front Side Rear	20 feet 5 feet 25 feet	Applicant has requested Flexible Setbacks to modify rear and front yard setback requirements for all five lots.	FS approvals requested
Maximum Building Height	30 feet	All homes constructed will be less than the maximum building height as required in Section 20.05.50.4.A. Height will be reviewed during Building Permit submittals.	Yes
Development Code Section 20.05.60			
Residential Density	<p>Acreage – Unbuildable Areas = Net Acreage</p> <p>Net Acreage * 80% = X acres</p> <p>X / Min. Lot Size = Minimum Residential Density</p>	<p>According to the information submitted, the Committee find that:</p> <p>Site = 42,688.8 sf</p> <p>RofW / Dedication = 9,583.2 sf</p> <p>Wetland Mitigation Tract = 8,059 sf</p> <p>Therefore 42,688.8 – 9,583.2 – 8,059 = 25,046.6 sf (net acreage)</p> <p>80% of 25,046.6 = 20,037.28 sf</p> <p>20,037.28 multiplied by 0.80, divided by 5,000 sf lot size = 4.00 units = site minimum density</p> <p>Site = 42,688.8 sf at 5,000 sf lot = 8 units = site maximum density</p>	Yes, 5 units meets minimum of 4 units and does not exceed maximum of 8 units

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.15.10			
Easements	-Provide a 6-foot PUE along front lot lines. -Provide a 3-foot utility and drainage easement along all side and rear lot lines.	6-foot PUE, includes a street tree easement along the lot frontage. 3-foot utility and drainage easement are required. An existing storm drainage easement along the northern property line will be retained.	Yes
Easement granted to City	15-foot PUE	15-foot utility easements are required for existing and proposed storm and sanitary lines within the boundaries of the development.	Yes
Dedications	As applicable to City or appropriate jurisdiction for maintenance.	Dedication of SW 155 th Avenue to 31 feet of centerline is required and is adequately depicted on the applicant's plans. Dedication will occur in conjunction with the recording of the final plat.	C of A
Homeowner Association	Copy of draft CC&R's shall be submitted with final plat.	A Home Owner's Association (HOA) is required as the development includes a wetland mitigation Tract to be maintained by the HOA. To ensure the Tract will be appropriately owned and maintained restrictive covenants (CC&R's) shall be submitted with the final plat. The Tract will include appropriate Clean Water Services easements.	C of A
Development Code Section 60.15.15			
Requirements Prior to Commencement of Work	Developer shall file plans, enter into City contract, and provide required security.	Developer will provide plans, cost estimate and security.	C of A
Improvement Procedures	Shall comply with the Code and in proper sequence.	Developer will provide plans for review, obtain site development permit, and construct all improvements to the City's satisfaction.	C of A
Improvement	Development related impacts shall	Developer will install all	C of A

Requirements	be installed at developer's expense.	reasonably related and roughly proportional impacts of the development. Because the development has an approval for the street modification requirement of a planter strip, street trees will be located within the Public Utility Easement.	
Maintenance Security	Developer shall enter into a contract with City.	Developer will provide a maintenance agreement of improvements.	C of A
Grading	Grading of site within 25 feet of property line and within a tree root zone of significant or historic trees.	Grading is proposed along the southern property line of the site. The applicant states that there will be no more than six inches differences in elevation between the public street and the property line. A retaining wall will be constructed at the curb line, ensuring drainage will be within the street and not to the abutting property. The applicant states that grading will not occur within the root zone of an existing oak tree located at 15450 SW Emerald Street. The Committee find that based upon the Proposed Improvement Plan A plan sheet 04, the applicant shall install tree protection fencing around the oak tree prior to physical development taking place on site and remaining until physical development is complete.	C of A
Development Code Section 60.30.10.5			
Parking Ratio Requirements for Motor Vehicles	Required parking spaces (all other zones) for detached dwellings – 1.0 (per unit) Maximum permitted parking spaces (Zone B) for detached dwellings – N/A	Minimum 2 car garages with driveways are proposed. This will meet the required parking and there is not a maximum.	Yes
Parking Ratio Requirements for Bicycles	Short term – not required Long term – not required	Bicycle parking is not required for detached dwellings.	N/A
Development Code Section 60.45.10			
	-At least 80% of the lots in a development shall comply with one or more of the following: Basic	Applicant states that because the City is requires a public street if the solar design	

Solar Access Requirement	<p>Requirements, Protected Solar Line Option, and Performance Option. Lots that comply / Total Lots = 80% or more</p> <p>-If applicable, adjustments of this Design Standard may be granted by the Director.</p>	<p>standards were applied there would be a significant loss of an amenity benefiting the neighborhood. The Committee recommend that the Director grant an adjustment to the Solar Design Standard because the parent parcel width could not accommodate both a 90 foot north to south dimension and still provide access to all five lots. The applicant has requested a street design modification to reduce the width of the standard L3 local street standard and flexible setbacks for all lots to allow for minimum 5,000 square foot lots. These factors indicate that the even though all five lots are oriented to the south with a street pattern on the southerly side of the lots, the solar requirement can not be achieved. Therefore the Director should grant the solar access design adjustment to all lots of the proposed development.</p>	ADJ to Design Standard Approved
Development Code Section 60.60.10			
Trees & Vegetation	<p>Actions regarding trees and vegetation worthy of special regulation.</p>	<p>Development proposal includes the removal of 12 Community trees which requires a Tree Plan Two application. See Criteria #4 and #9. No mitigation is required for the removal of the 12 trees. Applicant proposed to plant 30 trees within the wetland mitigation tract.</p>	Yes
Development Code Section 60.65			
Utility Undergrounding	<p>New utilities to be located underground.</p>	<p>Applicant proposes to underground all proposed utilities.</p>	C of A